IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.269 OF 2006

Keshav Ramchandra Choudhary : Petitioner

V/s.

State of Maharashtra & Anr. : Respondents

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Mr.D.B.Sawant for the petitioner.

Mr.S.R.Nargolkar, Asstt. Govt. Pleader for respondent Nos.1 & 2.

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**CORAM : V.G.PALSHIKAR,Acg.C.J.& SMT.N.N. MHATRE, J.**

DATE : January 24, 2006.

**P.C.**

1. The petitioner has challenged the order of the Maharashtra Administrative Tribunal upholding the second physical fitness test and denying promotion to the petitioner at this stage, though academically the petitioner is already selected. If and when a clear vacancy occurs, the petitioner, whose name will continue to remain on the waiting-list, shall be considered, in accordance with law.

2. The petition is, accordingly, disposed of.

Acg.CHIEF JUSTICE

SMT.N.N. MHATRE, J.